

SDCUC Board Meeting

January 18, 2021

ZOOM

SDCUC Director Present: Robert Walsh, Laron Krause, Grant Rix, Stuart Samson, Jim Ketelhut, Chad Blindauer, Justin Minnaert, Jim Klebsch

SDCUC Directors Absent: None

Others Present: Lisa Richardson, Teddi Mueller, Heather Neugebauer, Matt McCaulley, Nick Nemec, Kent Frerichs, Scott Stahl

- I. SDCUC President Robert Walsh called the meeting to order at 8:00 am on Monday, January 18, 2021.
- II. Motion made and supported to approve the agenda. Motion approved unanimously.
- III. Motion made and supported to approve the January 11, 2021 SDCUC board meeting minutes. Motion approved unanimously.
- IV. The two petitions for the open SDCUC District 7 seat were discussed.
 - a. One petition was received on time and had at least 15 signatures of participating growers.
 - b. A second petition was considered received on time and had 10 signatures of participating growers, 2 signatures that are not considered participating growers and 6 signatures in question that the Board felt needed further review.
 - c. Mr. Nemec was given the opportunity to present testimony on whether the 6 individuals do, in fact, grow corn and fall

under the participating grower definition stated in SDCL 38-32-1.

- d. Mr. Nemec stated that the 6 individual signers in question did in fact 100% cash rent their land to producers.
- V. President Walsh moved to enter into executive session to consult with legal counsel pursuant to South Dakota law. Vote was taken. Motion approved unanimously.
 - a. The board then convened in executive session for the purpose of consulting with legal counsel.
 - b. President Robert Walsh declared the board out of executive session.
- VI. All attendees were re-admitted to the meeting. President Walsh announced that no action was taken in executive session.
- VII. Motion made and supported to declare Grant Rix as elected to the District 5 seat of the SD Corn Utilization Council. Motion approved unanimously.
- VIII. Discussion on the District 7 petitions continued. Motion made and supported to not accept the petition from Nick Nemec as 6 signatures in question did not meet the definition of participating growers under SDCL 38-32-1 and he therefore did not provide a petition signed by the statutorily required minimum number of participating growers. Prior to voting the Board discussed the policy considerations supporting current law. Motion approved unanimously.
- IX. Motion made and supported to declare Reno Brueggeman as elected to the District 7 seat of the SD Corn Utilization Council. Motion approved unanimously.

- X. The chair called for public comment.
 - a. Mr. Nemec was disappointed with the actions of the board and asked them to consider rule changes.
 - b. Kent Frerichs spoke during public time and he stated he is disappointed that the board did not accept Mr. Nemec's petition.
- XI. The Board thanked Mr. Nemec for his interest in serving and for appearing at the meeting to present his arguments.
- XII. Motion made and supported to adjourn the meeting. Motion approved unanimously.